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ATTORNEY FOR DEFENDANTS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE KERN
COUNTY ELECTRICAL WORKERS' PENSION
FUND, BOARD OF TRUSTEES OF THE KERN
COUNTY ELECTRICAL WORKERS' HEALTH
AND WELFARE TRUST, BOARD OF
TRUSTEES OF THE KERN COUNTY
ELECTRICAL JOURNEYMAN AND
APPRENTICESHIP TRAINING TRUST,
CONSTRUCTION BENEFITS
ADMINISTRATION, INC.

Plaintiffs,

v.

ATKINS SPECIALTY SERVICES, INC.,
ATKINS SERVICES INC., JEFFREY ATKINS,
RHONDA ATKINS, and DOES 1 THROUGH 25

Defendants.

Civil Case No.: 1:21-cv-01656-AWI-BAK

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER EXTENDING
TIME FOR FILING OF MOTION TO
ENTER DEFAULT JUDGMENT AS TO
CORPORATE DEFENDANTS ATKINS
SPECIALTY SERVICES, INC. AND
ATKINS SERVICES, INC.**

Status Conference: May 9, 2022

Time: 9:30 a.m.

Dept.: Courtroom 8 - telephonic

**THE HONORABLE BARBARA A.
MCAULIFFE**

1 Defendants Atkins Specialty Services, Inc., Atkins Services, Inc., Jeffrey Atkins and
2 Rhonda Atkins (“Defendants”) and Plaintiffs Board of Trustees of the Kern County Electrical
3 Workers’ Pension Fund, Board of Trustees of the Kern County Electrical Workers’ Health &
4 Welfare Trust, Board of Trustees of the Kern County Electrical Journeyman and Apprenticeship
5 Training Trust, and Construction Benefits Administration, Inc. (“Plaintiffs”), by and through
6 their respective counsel, stipulate as follows:
7

8 **STIPULATION**

9 1. Plaintiffs filed their Complaint in this Court on November 11, 2021 (Dkt. 1).
10

11 2. Corporate entities Atkins Specialty Services, Inc. and Atkins Services, Inc
12 (“Corporate Defendants”) were properly served with the Complaint, Summons, and Court-issued
13 documents on December 9, 2021 and proofs of service were filed with the Court on December
14 17, 2021. (Dkts. 5 and 6).
15

16 3. Defendants appeared pro se at the Mandatory Scheduling Conference held on
17 February 8, 2022. At that time, this Court informed the Defendants that the Corporate
18 Defendants could not proceed until they were represented by legal counsel. The Court set a
19 Status Conference for March 14, 2022 to allow time for Corporate Defendants to seek
20 representation. (Dkt. 14 Text Only Minute Order).
21

22 4. Defendants failed to appear at the March 14, 2022 Status Conference and this
23 Court scheduled an Order to Show Cause Hearing for March 28, 2022.

24 5. Based on Defendant’s failure to appear at the March 14, 2022 hearing, Plaintiff’s
25 counsel filed a Request for Clerk’s Entry of Default as to the Corporate Defendants only, which
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1 default was entered on March 18, 2022. (Dkts. 21 and 22).

2 6. Defendants appeared at the March 28 OSC Hearing but still had not retained
3 counsel. However, based on Defendant's assertions that they mixed up the March 14 court date
4 and that they had not been able to hire an attorney for the Corporate Defendants due to health
5 issues, the Court continued the Status Conference until May 9, 2022 and discharged the OSC.
6 (Dkts. 23 and 24).

7 7. As of today, Defendants have retained the undersigned as counsel. Accordingly,
8 the parties stipulate and agree that any deadlines for Plaintiffs to file a Motion for Default
9 Judgment as to the Corporate Defendants should be extended to Tuesday, May 31, 2022, to
10 permit the parties to discuss the facts of this case including possible settlement.
11

12 8. The Parties respectfully request that the Court so order.
13

14
15 Respectfully submitted,
16

17 Dated: April 28, 2022

THE LAW OFFICE OF TIFFANY LENA

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19
20 By /s/ Tiffany Lena
Tiffany Lena
Attorney for Plaintiffs
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22 Dated: April 28, 2022

LAW OFFICE OF SCOTT A. WILSON

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24
25 By /s/ Scott A. Wilson
Scott A. Wilson
Attorney for Defendants
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Joint Stipulation and Order Extending Time for Filing of Motion to Enter Default Judgment as to
Corporate Defendants Atkins Specialty Services, Inc. and Atkins Services, Inc.

ORDER

Pursuant to stipulation, and for good cause shown:

1. This court extends the deadline for Plaintiffs to file a Motion for Default Judgment as to the Corporate Defendants to May 31, 2022; and
2. The Status Conference set for May 9, 2022, at 9:30 AM before the undersigned remains as calendared.

IT IS SO ORDERED.

Dated: April 29, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

Joint Stipulation and Order Extending Time for Filing of Motion to Enter Default Judgment as to Corporate Defendants Atkins Specialty Services, Inc. and Atkins Services, Inc.